

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GENEVA LANGWORTHY,

Plaintiff,

v.

WHATCOM COUNTY SUPERIOR COURT,  
WHATCOM COUNTY DISTRICT COURT,  
and RAQUEL MONTOYA-LEWIS,

Defendants.

CASE NO. C20-1637-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiff Geneva Langworthy's Motion for Nonjoinder of Party (Dkt. No. 10). Ms. Langworthy asks the Court "to drop Raquel Montoya-Lewis as a defendant" in this matter. (Dkt. No. 10 at 1.) Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may voluntarily dismiss her claims against some or all of the defendants without a court order before the defendant serves an answer or a motion for summary judgment. *See Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999); *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995). When a plaintiff files a notice of voluntary dismissal with the Court, that filing automatically terminates the action as to the defendant who is the subject of the notice. *Concha*, 62 F.3d at 1506.

1 Here, no answer or motion for summary judgment has been filed, and the Court construes  
2 Ms. Langworthy's motion as a Rule 41(a)(1)(A)(i) notice of voluntary dismissal of the claims  
3 against Raquel Montoya-Lewis. Because the notice is self-executing, all claims against  
4 Defendant Raquel Montoya-Lewis are dismissed, and Raquel Montoya-Lewis is DISMISSED as  
5 a party to this action. Pursuant to the Court's prior order (Dkt. No. 9), Ms. Langworthy must file  
6 an amended complaint against the remaining defendants by December 28, 2020. If she does not  
7 file an amended complaint curing the deficiencies identified in the Court's order within the time  
8 allotted, the Court will dismiss the case under 28 U.S.C. § 1915(e)(2)(B).

9 DATED this 7th day of December 2020.

10 William M. McCool  
11 Clerk of Court

12 s/Paula McNabb  
13 Deputy Clerk  
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